

School District of Borough of Morrisville
Morrisville, Pennsylvania

MINUTES OF JANUARY 5, 2009 SPECIAL MEETING OF
BOARD OF SCHOOL DIRECTORS

A special meeting of the School District of Borough of Morrisville was held in the Morrisville Middle/Senior High School LGI Room on Monday, January 5, 2009. Mr. Hellmann called the meeting to order at 7:30 p.m. The first order of business was the Pledge of Allegiance.

Board Members Present: Messrs. Hellmann, Radosti, Kemp, Buckman, and Farrell; Mrs. Mihok, Mrs. Heater, and Mrs. Reithmeyer. Mr. Fitzpatrick, Solicitor.
Absent: Mrs. Worob
Administration Present: Dr. Yonson, Mr. Ferrara, Mr. DeAngelo, Ms. Ruffing, Mr. Lastichen
Others Present: Members of MEA and members of the Public

Mr. Hellmann stated that an executive session was held prior to tonight's meeting for real estate and litigation issues.

Mr. Hellmann read the following statement.

“Welcome back and I hope all of us had a happy and healthy holiday and happy new year. I want to thank the administration and teachers and facilities crew for your work over and above providing for our students in the wake of the closer of M. R. Reiter. Now it is back to work. Tonight we will consider transition to a new learning environment for the children. One that will provide them with ongoing quality education in a safe and comfortable environment. It is a new year and a new opportunity to make things better for our students. Above all, thankfully, no one was injured.”

Mr. DeAngelo presented a visual of the district's options for modular classrooms (this information will be available on our website). Questions were taken from members of the public.

Mr. Fitzpatrick explained the purpose of this special meeting. This meeting was discussed at the last meeting of the Board and advertised as required.

PUBLIC SESSION

Johanny Manning, 449 Stockham Ave.

The board knew our boilers needed to be replaced. We need a long term plan before spending this money. Are we planning on bringing 4th and 5th graders to the high school?

Dr. Yonson clarified that the cost of the modulators will be paid for by insurance.

Jon Perry, 43 Fairview

Congratulations to Dr. Yonson for her appointment to the early learning council. Vitetta studies do not identify specific issues.

Mr. Perry referred to a recent mailing he received. He read text that appeared to be emails from Mr. Hellmann to board members and asked that they be added to the public record and have Mr. Hellmann respond.

December 17, 2008, 9:21 am, subject Injunction – “I think they (presumably the Borough) would have filed an injunction if the school board tried to reopen it without consent from the Borough Engineer as far as safety is concerned. Here is our chance. CLOSE THIS RAT TRAP NOW. TELL FRATTI!!! HA HA HA. I AM THE ANTI-CHRISTTTTTTTTTT.” *Mr. Hellmann acknowledged he may have written parts of this.*

Mr. Hellmann is quoted in the Courier Times (Dec. 17) "I would be amenable to a single school building for all students if we could work it out that way but I'm not sure the town wants a K-12 grade school. We'd always have to have at least one elementary school. I'm not adverse to spending money on the school district as long as money is spent efficiently. I don't have specific examples of how right now."

Email June 25, 2008, 9:51 am – this was right around the time you were dropping Reiter from the bidding. "I just spoke to Mike about school closings. He said it would take a year for hearings, etc. but we could put Reiter kids in HS or Grandview in an emergency situation. This is good. It will give us an excuse to get them out quickly. Once they are out of Reiter; let's keep them out. Also, we do not have the money to build out anywhere. We need to renovate and adapt only." *Mr. Hellmann acknowledged he may have written parts of this.*

At an April 24, 2007 board meeting you said (about Sandy Gibson) "I consider you sneaky and bordering on being unethical." What's it like on the other side of the border?

Kevin Leather, 480 Hamilton Blvd.

Members of our teaching staff were helping my kids with their college essays over the holiday break – that's what kind of staff we have. Both of my kids were accepted to college with scholarships – thank you!

Concerns about wording on resolution "municipal officials may bypass bidding." *Mr. Fitzpatrick replied that the courts are fairly lenient with school districts in emergency situations.*

Considering the lack of transparency of the board I have concerns that there is no limit of power as long as it's connected to Reiter.

Damon Miller, 249 W. Franklin

MJF Electrical Contract – does this include Grandview. *Mr. Lastichen stated it is for the HS only.*

Prior to the election candidates pledged to address the physical conditions of the buildings. How come nothing has been done? If the current school board is skirting laws and showing clear disdain for citizens we need to do something. Be mindful of the candidates running in the primary.

Tim McCleary, 53 Delaware Ave.

Consider Grandview traffic issues and current pre-school set up. What is being done to provide teachers with the materials left behind at Reiter.

John Ceneviva, 467 Stockham

I believe this school board wants to be the last Morrisville school board. Please let us into the process. Tell us your plans. The language and emails are not helpful. With no visible short or long term plans I have no confidence in this board.

Tricia Coscia

Mrs. Coscia asked the board to consider additional crossing guards to accommodate the additional traffic at drop off and pick up times.

Marlys Mihok read a statement.

At the February 27, 2008 school board meeting Mr. Tim Lastichen, our building maintenance supervisor stated that his main concern was the heating system at Reiter. It scared him. Tim stated that we should be looking into the heating system at Reiter. At that meeting Mr. Hellmann made a motion to have an engineering safety study done on both elementary schools. Board members voting yes were Hellmann, Farrell and Worob. I was absent. Members voting no were Kemp, Reithmeyer and Frankenfield. The motion was defeated 3-3. The safety study was not done. Mr. Hellmann wanted the record to show that the safety issues and the nay votes were not following. These are safety issues that should be fixed immediately. On March 12, 2008 when the full board was present Mrs. Reithmeyer brought up a paper called "House Rules." This is not a part of our board policy. The House Rules state in part "motions defeated can not be reintroduced until the 3rd business meeting." Dr. Yonson supported Mrs. Reithmeyer

on this issue. Subsequently, the engineering safety study on the elementary schools was not put on the agenda on this night. Mrs. Reithmeyer not only voted against having the engineering safety study done at the 2 elementary schools on February 27, 2008, her, Mr. Kemp and Dr. Yonson also blocked it from being put on the agenda meeting on March 12, 2008. Nine months later the furnace exploded at Reiter and windows shattered. What would the parents of children say to Mr. Kemp and Mrs. Reithmeyer if the windows blew out in their child's face? Our children were put at risk of injury or worse by Mrs. Reithmeyer, Mr. Kemp and Dr. Yonson.

Mr. Hellmann stated that everybody on this board has made mistakes in the past year. If we keep fighting we will not get anything done. It's time to get together and solve our problems.

Mr. Kemp you say this after asking Marlys to read this pointing fingers and me and Robin, Dr. Yonson and Ed who at the time said we already have a report, why do we need another one? We know what's wrong why not fix it?

Mrs. Reithmeyer Mr. Lastichen did say it needed to be fixed and your half-baked report, that your company admittedly told us was a 'cursory' report. Then when we looked at the boilers I sat here and argued vehemently with you because you wouldn't put Reiter on the list. You didn't want to include Reiter. You only did two burners are Grandview because Tim begged for it.

Mr. Hellmann I wanted Reiter left off because I didn't think that school was safe.

Mrs. Reithmeyer That's right; so don't be blaming me for it. It's on your shoulders. You and Marlys can burden it.

Mr. Hellmann The report was for the HS. It had nothing to do with the elementary.

Mr. Farrell Put this in the past. Reiter was a time bomb. Everybody has to get their act together or there will be no more school tomorrow; it will be gone.

ACTION ITEMS:

1. Approval, Mobilease Modular Space Inc.

The Board approved a motion for the leasing of eight (8) modular classrooms with restrooms from Mobilease Modular Space Inc. of Thorofare, NJ due to the furnace exploding at M. R. Reiter. The cost is \$5,760 per month for twenty-four (24) months plus \$6,400 delivery, \$98,932 for set-up and \$189,900 for utilities. Dismantle and return delivery charge will be cost plus 15%. Total cost over twenty-four (24) months is \$433,472 plus dismantle and return delivery costs. *This motion is contingent upon receipt of insurance money for the delivery, setup and first year leasing payment set forth in the presentation by Mr. DeAngelo.*

Moved by Mr. Hellmann; seconded by Mr. Radosti; passed by a unanimous voice vote of 8 ayes.

2. Approval, Testing of Heating Water Piping System – The Warko Group

The Board approved a motion for testing of the heating water piping system quote from The Warko Group located in Reading, PA for work at three locations, the high school, middle school and Grandview for a total of six test pieces. Our price for the above scope would be Five Thousand Two Hundred Fifty Dollars (\$5,250). The adder if the work is required to be completed after hours would be an additional \$2,650 for the two schools. There would be additional costing of \$750 for pipe freezing equipment.

Moved by Mr. Hellmann; seconded by Mrs. Mihok; passed by a unanimous voice vote of 8 ayes.

Mrs. Reithmeyer asked why we are testing the pipes at Reiter. Wouldn't it be more cost efficient to have the pipes tested at all 3 facilities at one time? Mr. Lastichen stated the only thing that would be tested would be the domestic hot and cold water.

3. RESOLUTION OF THE SCHOOL DISTRICT OF BOROUGH OF MORRISVILLE DECLARING EMERGENCY AND AUTHORIZING CERTAIN PURCHASES

WHEREAS, the School District of Borough of Morrisville is a local agency, municipal subdivision and body politic organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the School District of Borough of Morrisville is obligated under the Public School Code of 1949, as amended, the Pennsylvania Constitution and various statutes and regulations of the Commonwealth to provide for the free and appropriate public education of students within the School District; and

WHEREAS, M.R. Reiter Elementary School, a school building within the School District of the Borough of Morrisville suffered an explosion on late Saturday evening, December 13, 2008 rendering the school building unsafe and requiring the emergency placement of elementary school students at other School District facilities pending the investigation and repair of the M.R. Reiter Elementary School building or the provision of other permanent facilities for the safe provision of public education services; and

WHEREAS, the Board of School Directors of the School District of Borough of Morrisville has determined that an emergency exists within the School District of Borough of Morrisville in that students from M.R. Reiter must be immediately placed in safe, decent and efficient permanent school structures for the provision of free and appropriate public education of the students of the District; and

WHEREAS, the Board of School Directors of the School District of Borough of Morrisville have determined that immediate purchases must be made pursuant to this emergency declaration for the provision of safe, decent and efficient permanent school structures for the provision of free and appropriate public education of the students of the District and that there is not sufficient time to advertise for competitive bids as otherwise required by law; and

WHEREAS, Competitive bidding requirements are a public policy established to prevent fraud and favoritism and to protect public funds; and

WHEREAS, Pennsylvania courts have held that municipal officials may bypass bidding requirements where immediate action is necessary to correct a dangerous situation and there is not sufficient time to advertise for bids. *Appeal of Lasky*, 475 A.2d 966, 82 Pa.Cmwlth. 516, 1984; *In re Muhlenberg Township Supervisors' Appeal*, 45 Berks 241, 1953; *Upper Darby Township v. Ramsdell Construction Co.*, 51 D.&C. 246, at 251, C.P. Delaware Co., 1943; and

NOW, THEREFORE, it is hereby Declared by the Board of School Directors of the School District of Borough of Morrisville that an emergency exists by virtue of the explosion at M.R. Reiter on December 13, 2008 and the Board of School Directors and the Administration of the School District of Borough of Morrisville, at the direction of the Board, are hereby Authorized to make emergency expenditures **through the duration of the insurance claim** to address and ameliorate said emergency and to take all necessary actions to carry this Resolution into effect.

The Board approved the above Resolution. Moved by Mr. Hellmann; seconded by Mr. Radosti; passed by a unanimous voice vote of 8 ayes.

Mr. Kemp asked when these emergency powers would end. Mr. Fitzpatrick believes that this resolution needs to be dealt with between now and around January 23 when the units are set to go. If the board would like to restrict the time, that is their option. Suggestions to bring this up for consideration at February meeting. Mr. Hellmann suggested June 30th to cover ourselves. Mr. DeAngelo suggested to the end of the insurance claim. Mr. Fitzpatrick amended the motion as noted.

4. Approval, Contract with MJF Electrical

The Board approved a motion to approve the contract reviewed by Michael G. Fitzpatrick, Begley, Carlin & Mandio, LLP and the Morrisville School District Administration for the electrical work to MJF Electrical Contracting, Inc. in the amount of \$220,800 approved by the School Board at the November 19, 2008 school board meeting.

Moved by Mr. Hellmann; seconded by Mr. Farrell; passed by a unanimous voice vote of 8 ayes.

This contract covers work at the high school building only. This is approval of the contract for the previously awarded bid. Mr. Hellmann stated this came from the report of Wick Fisher and he does not consider it cursory.

5. Approval, Mahoney – Major Consultants – Loss Advisor

The Board approved a motion to approve the proposal from Mahoney-Major Consultants – Loss Advisor to perform the duties of loss advisor on a contingency basis at 6.66% of the insurance settlement net the deductible. The district could possibly further reduce the % by engaging with common vendors reducing the settlement costs.

Moved by Mr. Hellmann; seconded by Mr. Buckman; passed by a unanimous voice vote of 8 ayes.

Kathryn Panzitta

Following the last board meeting I requested copies of emails and the chimney asbestos report. She would like a reply from the business office.

Gayle Haug

Are there any possibilities of using Manor Park School? Please consider the upcoming election.

Patricia Schell

I am tired of watching this. This is an unavoidable emergency situation.

Mr. Fitzpatrick has looked at the Manor Park Issue. This was a 20-year lease/purchase situation. Bucks Co. Head Start made a significant payment upfront for this purchase. Also, they are 10 years into a 20 year agreement. They are in compliance with the lease. Therefore, the district can not revoke this agreement without Head Start's permission. This does not appear to be an option for the future of this district.

Dr. Yonson advised that until Reiter is cleaned no one can enter the building. As soon as the cleanup is finished teacher materials will be retrieved.

Mrs. Mihok toured the YMCA PreK class today. Children were engaged actively in activities.

6. The Board approved a motion to adjourn the meeting at 8:40 pm. Passed by a unanimous voice vote.

William Hellmann, CPA, President

Marlys Mihok, Secretary